

## Introduction

There are four ways to become a citizen of the United States: by birth in the U.S.; by birth in the U.S. territories; by birth outside the U.S. to U.S. parents; and by naturalization. This handout provides general information about each of these four methods.

### OTHER RESOURCES:

US Embassy in Japan:  
<http://japan.usembassy.gov/>

U.S Citizenship and Immigration Services:  
<http://www.uscis.gov/portal/site/uscis>

**Legal Assistance Hours:**  
By Appointment Only

**Notary Hours:**  
Monday - Thursday  
0900-1500



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## CITIZEN AND NATURALIZATION OF CHILDREN

### This Brochure Includes:

- Birth in U.S.
- Birth to U.S. Parents Overseas
- Naturalization
- Dual Citizenship
- Other Resources



The information in this brochure is of a general nature and is not intended as a substitute for legal counsel.

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## Citizenship by Birth

Any child born in the U.S. or its territories is automatically granted citizenship. Non-citizen parents are not automatically given naturalization status by virtue of their child's citizenship. If the parents are not U.S. citizens, they must go through the naturalization procedures.

## Birth Outside the U.S. to U.S. Parents

Children born overseas may be granted citizenship under the Immigration and Nationality Act. For information about the necessary documents to file for citizenship, contact the Military Personnel Flight at 225-9913. **Note:** *Parents of children born overseas must register births at a U.S. embassy or consulate as a consular report of birth abroad (for U.S. military personnel and their dependents, this report is filed through the Military Personnel Flight).*

### 1. Children Born to Parents in Wedlock:

A. A child born abroad to two U.S. citizen parents acquires U.S. citizenship at birth. One of the parents must have resided in the U.S. prior to the child's birth, but no specific period of time for such residence is required. The child need not meet any residence or presence requirements in the U.S. to retain citizenship and does not necessarily acquire foreign citizenship by virtue of being born in a foreign country.

B. A child born abroad to one U.S. citizen and one alien parent acquires U.S. citizenship at birth, provided the citizen parent was physically present in the U.S. for the time period required by the law at the time of the child's birth. (For birth on or after 14 November 1986, a period of five years physical presence, two after the age of fourteen is required). A parent's service in the U.S. armed forces overseas or time spent overseas as a dependant of a military member counts toward this "physical presence" requirement. There is no requirement for children in this category to reside in the U.S. to retain citizenship.:

### 2. Children Born Out of Wedlock

- A. A child born to a U.S. citizen mother can be granted citizenship if the mother was a U.S. citizen at the time of the child's birth, and if the mother had previously been physically present in the U.S. or one of its possessions for a continuous period of one year.
- B. A child born to a U.S. citizen father can be granted citizenship as of birth if:
  - The child is legitimated in accordance with the law of the child's domicile;
  - The father acknowledges paternity in writing under oath; **or**
  - Paternity is established by a competent court;

Additional requirements are:

- The blood relationship must be established by clear and convincing evidence;
- The father must agree in writing that he will provide financial support until the child is 18; **and**
- Citizenship must be applied for before the child reaches the age of 18.

## Naturalization

Naturalization is defined as the process by which a person acquires nationality after birth and becomes entitled to the privileges of U.S. citizenship. Naturalization can only occur upon the candidate appearing before a proper official while in the U.S.

### 1. Children can only be naturalized as a result of parent's naturalization if:

- The child is lawfully present in the U.S. at the time of naturalization;
- The child is under the age of 18 at the time of naturalization; and
- Both parents are naturalized, or the parent with custody is naturalized.

### 2. Children can be naturalized upon petition of a citizen parent if:

- The child is under 18 at the time;
- The child is present in the U.S. at the time of naturalization; **and**
- The child resides in the United States with the citizen parent; **or**
- The child resides overseas with the adoptive citizen parent who is employed by the U.S. government.

### 3. An adopted child may receive a certificate of citizenship if:

- The child was born outside the U.S.;
- The child was adopted by a parent who is a citizen of the U.S. before the child's 16<sup>th</sup> birthday;
- The child is a qualified orphan or has been under the legal and physical custody of the U.S. parent for at least two years;
- Application for the certificate is made by the citizen parent (and citizen spouse if married) before the child reaches 18; **and**
- The child is legally residing in the U.S. in the custody of the adoptive parent.

## Dual Citizenship

Dual citizenship is defined as citizenship in two different countries. The concept of dual citizenship recognizes that a person may have and exercise rights of nationality in two countries and be subject to the responsibilities of both. The mere fact that a person asserts the right of citizenship of a foreign country does not mean that the person renounces U.S. citizenship.

Children born of a U.S. parent and a foreign national may be eligible for dual citizenship. If a child is born in Japan to a Japanese citizen and a U.S. citizen, the child will be entitled to dual citizenship. A child born in the U.S. to a Japanese citizen and a U.S. citizen is entitled to dual citizenship if the birth is registered at the Japanese Consulate within 90 days of birth.